

loan association, savings bank, or credit union for the deposit of all down payments, earnest money deposits, or other trust funds received by the broker or the broker's salespersons on behalf of the broker's principal, except that a broker acting as a salesperson shall deposit these funds in the common trust account of the broker for whom the broker acts as salesperson. The account shall be an interest-bearing account. The interest on the account shall be transferred quarterly to the treasurer of state and transferred to the ~~department of economic development~~ Iowa finance authority for deposit in the ~~local housing assistance program trust~~ fund established in section ~~15.354~~ 16.181 unless there is a written agreement between the buyer and seller to the contrary. The broker shall not benefit from interest received on funds of others in the broker's possession.

Sec. 4. Sections 15.351 through 15.354, Code 2007, are repealed.

Sec. 5. TRANSFER OF FUNDS. Any unobligated funds in or received for deposit in the local housing assistance program fund, created in section 15.354, shall be transferred to the Iowa finance authority for deposit in the housing trust fund established in section 16.181.

Approved April 18, 2008

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## CHAPTER 1098

### CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TERMINATIONS OF PARENTAL RIGHTS

S.F. 2212

**AN ACT** relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.102, subsection 12, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The parent's parental rights have been terminated under section 232.116 or involuntarily terminated by an order of a court of competent jurisdiction in another state with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

Sec. 2. Section 232.116, subsection 1, paragraph g, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) The court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family or a court of competent jurisdiction in another state has entered an order involuntarily terminating parental rights with respect to another child who is a member of the same family.

Approved April 18, 2008

**CHAPTER 1099****LICENSURE OF REAL ESTATE BROKERS AND SALESPERSONS***S.F. 2250*

**AN ACT** relating to the licensure of real estate brokers and salespersons.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 543B.15, subsection 3, paragraph a, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) Notwithstanding subparagraph (1), for offenses including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty, five years.

Sec. 2. Section 543B.15, subsection 10, Code Supplement 2007, is amended to read as follows:

10. An applicant for an initial real estate broker's or salesperson's license shall be subject to a national criminal history check through the federal bureau of investigation. The commission shall request the criminal history check and shall provide the applicant's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The applicant shall authorize release of the results of the criminal history check to the real estate commission. The applicant shall pay the actual cost of the fingerprinting and criminal history check, if any. Unless the criminal history check was completed within the ~~ninety two hundred ten~~ calendar days prior to the date the license application is received by the real estate commission, the commission shall reject and return the application to the applicant. The commission shall process the application but hold delivery of the license until the background check is complete. The results of a criminal history check conducted pursuant to this subsection shall not be considered a public record under chapter 22.

Sec. 3. Section 543B.29, Code 2007, is amended to read as follows:

543B.29 REVOCATION OR SUSPENSION.

1. A license to practice the profession of real estate broker and salesperson may be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

1. ~~a.~~ Fraud in procuring a license.
2. ~~b.~~ Professional incompetency.
3. ~~c.~~ Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. ~~d.~~ Habitual intoxication or addiction to the use of drugs.
5. ~~e.~~ Conviction of an offense included in section 543B.15, subsection 3. For purposes of this section, "conviction" means a conviction for an indictable offense and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, guilty plea, deferred judgment, or other finding of guilt is conclusive evidence.
6. ~~f.~~ Fraud in representations as to skill or ability.
7. ~~g.~~ Use of untruthful or improbable statements in advertisements.
8. ~~h.~~ Willful or repeated violations of the provisions of this Act chapter.
9. ~~i.~~ Noncompliance with insurance requirements under section 543B.47.
10. ~~j.~~ Noncompliance with the trust account requirements under section 543B.46.
11. ~~k.~~ Revocation of any professional license held by the licensee in this or any other jurisdiction.